

Amend Section 80019.1 to read:

80019.1 CRIMINAL RECORD EXEMPTION

(a) – (c) (Continued)

(d) To request a criminal record exemption, a licensee or license applicant must submit information that indicates that the individual meets the requirements of Section 80019.1(c)(4). The Department will notify the licensee or license applicant and the affected individual, in concurrent, separate notices, that the affected individual has a criminal conviction and needs to obtain a criminal record exemption.

- (1) The notice to the affected individual shall include a list of the conviction(s) that the Department is aware of at the time the notice is sent that must be addressed in an exemption request.
- (2) The notice will list the information that must be submitted to request a criminal record exemption.
- (3) The information must be submitted within ~~forty five (45)~~thirty (30) calendar days of the date of the Department's notice.
 - (A) Individuals who submit a criminal record exemption request shall cooperate with the Department by providing any information requested by the Department, including, but not limited to, ~~police reports and~~ certified court documents to process the exemption request, pursuant to Section 80019.1(e).
 - (B) If the individual for whom the criminal record exemption is requested is an employee or resident other than a spouse or a dependent family member and the licensee/license applicant does not submit the information listed in the Department's written notice within ~~45~~30 calendar days of the date of the notice, the Department may cease processing the exemption request and close the case.
 - (C) If the individual for whom the criminal record exemption is requested is an applicant, licensee, spouse or dependent family member and the licensee/license applicant does not submit the information listed in the Department's written notice within ~~45~~30 calendar days of the date of the notice, the Department may deny the exemption request.

(D) Individuals may request a criminal record exemption on their own behalf if the licensee or license applicant:

1. Chooses not to request the exemption, and
2. Chooses not to employ or terminates the individual's employment after receiving notice of the individual's criminal history, or
3. Removes the individual who resides in the facility after receiving notice of the individual's criminal history.

(e) – (m) (Continued)

(n) The Department shall consider granting a simplified criminal record exemption only if the individual has the criminal history profile outlined in Sections 80019.1(n)(1) through (4) below:

- (1) The individual does not have a demonstrated pattern of criminal activity;
- (2) The individual has ~~no more than one~~ or more convictions arising from a single incident of criminal conduct;
- (3) ~~The~~ Each conviction is a misdemeanor and is for a crime that is nonviolent and does not pose a risk of harm to an individual; and
- (4) It has been at least five consecutive years since the date of conviction. ~~since the date of completion of the most recent period of incarceration or supervised probation.~~

(o) – (x) (Continued)

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1522 and 1531, Health and Safety Code; and Gresher v. Anderson (2005) 127 Cal. App. 4th 88.

Amend Section 81019.1 to read:

81019.1 CRIMINAL RECORD EXEMPTION

(a) – (c) (Continued)

(d) To request a criminal record exemption, a licensee or license applicant must submit information that indicates that the individual meets the requirements of Section 81019.1(c)(4). The Department will notify the licensee or license applicant and the affected individual, in concurrent, separate notices, that the affected individual has a criminal conviction and needs to obtain a criminal record exemption.

- (1) The notice to the affected individual shall include a list of the conviction(s) that the Department is aware of at the time the notice is sent that must be addressed in an exemption request.
- (2) The notice will list the information that must be submitted to request a criminal record exemption.
- (3) The information must be submitted within ~~forty five (45)~~thirty (30) calendar days of the date of the Department's notice.
 - (A) Individuals who submit a criminal record exemption request shall cooperate with the Department by providing any information requested by the Department, including, but not limited to, ~~police reports and~~ certified court documents to process the exemption request, pursuant to Section 81019(e).
 - (B) If the individual for whom the criminal record exemption is requested is an employee or resident other than a spouse or a dependent family member and the licensee/license applicant does not submit the information listed in the Department's written notice within ~~45~~30 calendar days of the date of the notice, the Department may cease processing the exemption request and close the case.
 - (C) If the individual for whom the criminal record exemption is requested is an applicant, licensee, spouse or dependent family member and the licensee/license applicant does not submit the information listed in the Department's written notice within ~~45~~30 calendar days of the date of the notice, the Department may deny the exemption request.

(D) Individuals may request a criminal record exemption on their own behalf if the licensee or license applicant:

1. Chooses not to request the exemption and
2. Chooses not to employ or terminates the individual's employment after receiving notice of the individual's criminal history, or
3. Removes the individual who resides in the facility after receiving notice of the individual's criminal history.

(e) – (m) (Continued)

(n) The Department shall consider granting a simplified criminal record exemption only if the individual has the criminal history profile outlined in Sections 81019.1(n)(1) through (4) below:

- (1) The individual does not have a demonstrated pattern of criminal activity;
- (2) The individual has ~~no more than one~~ or more convictions arising from a single incident of criminal conduct;
- (3) ~~The~~ Each conviction is a misdemeanor and is for a crime that is nonviolent and does not pose a risk of harm to an individual; and
- (4) It has been at least five consecutive years since the date of conviction. ~~completion of the most recent period of incarceration or supervised probation.~~

(o) – (x) (Continued)

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 5670 and 5671, Welfare and Institutions Code; Sections 1522 and 1531, Health and Safety Code; *Gresher v. Anderson* (2005) 127 Cal. App. 4th 88; and *Glesmann v. Saenz* (2006) 140 Cal. App.4th 960.

Amend Section 82019.1 to read:

82019.1 CRIMINAL RECORD EXEMPTION

(a) – (c) (Continued)

(d) To request a criminal record exemption, a licensee or license applicant must submit information that indicates that the individual meets the requirements of Section 82019.1(c)(4). The Department shall notify the licensee or license applicant and the affected individual, in concurrent, separate notices, that the affected individual has a criminal conviction and needs to obtain a criminal record exemption.

(1) The notice to the affected individual shall include a list of the conviction(s) that the Department is aware of at the time the notice is sent that must be addressed in an exemption request.

(2) The notice shall list the information that must be submitted to request a criminal record exemption.

(3) The information must be submitted within ~~forty five (45)~~thirty (30) calendar days of the date of the Department's notice.

(A) Individuals who submit a criminal record exemption request shall cooperate with the Department by providing any information requested by the Department including, but not limited to, ~~police reports and~~ certified court documents to process the exemption request, pursuant to Section 82019.1(e).

(B) If the individual for whom the criminal record exemption is requested is an employee or resident other than a spouse or a dependent family member and the licensee or license applicant does not submit the information listed in the Department's written notice within ~~45~~30 calendar days of the date of the notice, the Department may cease processing the exemption request and close the case.

(C) If the individual for whom the criminal record exemption is requested is an applicant, licensee, spouse or dependent family member and the licensee or license applicant does not submit the information listed in the Department's written notice within ~~45~~30 calendar days of the date of the notice, the Department may deny the exemption request.

(D) Individuals may request a criminal record exemption on their own behalf if the licensee or license applicant;

1. Chooses not to request an exemption, and
2. Chooses not to employ or terminates the individual's employment after receiving notice of the individual's criminal history.

(e) – (m) (Continued)

(n) The Department shall consider granting a simplified criminal record exemption only if the individual has the criminal history profile outlined in Sections 82019.1(n)(1) through (4) below:

- (1) The individual does not have a demonstrated pattern of criminal activity;
- (2) The individual has ~~no more than one~~ or more convictions arising from a single incident of criminal conduct;
- (3) ~~The~~ Each conviction is a misdemeanor and is for a crime that is nonviolent and does not pose a risk of harm to an individual; and
- (4) It has been at least five consecutive years since the date of conviction. ~~completion of the most recent period of incarceration or supervised probation.~~

(o) – (x) (Continued)

Authority cited: Sections 1503.1, 1522, 1530 and 1530.1, Health and Safety Code.

Reference: Sections 1522 and 1531, Health and Safety Code; and Gresher v. Anderson (2005) 127 Cal. App. 4th 88.

Amend Section 86519.1 to read:

86519.1 CRIMINAL RECORD EXEMPTION

(a) – (c) (Continued)

(d) To request a criminal record exemption, a licensee or license applicant shall submit information that indicates that the individual meets the requirements of Section 86519.1(c)(4). The Department shall notify the licensee or license applicant and the affected individual, in concurrent, separate notices, that the affected individual has a criminal conviction and needs to obtain a criminal record exemption.

(1) The notice to the affected individual shall include a list of the conviction(s) that the Department is aware of at the time the notice is sent that must be addressed in an exemption request.

(2) The notice shall list the information that must be submitted to request a criminal record exemption.

(3) The information must be submitted within ~~forty five (45)~~thirty (30) calendar days of the date of the Department's notice.

(A) Individuals who submit a criminal record exemption request shall cooperate with the Department by providing any information requested by the Department including, but not limited to, ~~police reports and~~ certified court documents to process the exemption request.

(B) If the individual for whom the criminal record exemption is requested is an employee or resident other than a spouse or a dependent family member and the licensee/license applicant does not submit the information listed in the Department's written notice within ~~45~~30 calendar days of the date of the notice, the Department may cease processing the exemption request and close the case.

(C) If the individual for whom the criminal record exemption is requested is an applicant, licensee, spouse or dependent family member and the licensee/license applicant does not submit the information listed in the Department's written notice within ~~45~~30 calendar days of the date of the notice, the Department may deny the exemption request.

(D) Individuals may request a criminal record exemption on their own behalf if the licensee or license applicant:

1. Chooses not to request the exemption and
2. Chooses not to employ or terminates the individual's employment after receiving notice of the individual's criminal history, or
3. Removes the individual who resides in the crisis nursery after receiving notice of the individual's criminal history.

(e) – (m) (Continued)

(n) The Department shall consider granting a simplified criminal record exemption only if the individual has the criminal history profile outlined in Sections 82019.1(n)(1) through (4) below:

- (1) The individual does not have a demonstrated pattern of criminal activity;
- (2) The individual has ~~no more than one~~ or more convictions arising from a single incident of criminal conduct;
- (3) ~~The~~ Each conviction is a misdemeanor and is for a crime that is nonviolent and does not pose a risk of harm to an individual; and
- (4) It has been at least five consecutive years since the date of conviction. ~~completion of the most recent period of incarceration or supervised probation.~~

(o) – (x) (Continued)

Authority cited: Sections 1522 and 1530, Health and Safety Code.

Reference: Sections 1516, 1522 and 1531, Health and Safety Code; Greshner v. Anderson (2005) 127 Cal. App. 4th 88; and Glesmann v. Saenz (2006) 140 Cal. App. 4th 960.

Amend Section 87356 to read:

87356 CRIMINAL RECORD EXEMPTION

(a) – (c) (Continued)

(d) To request a criminal record exemption, a licensee or license applicant must submit information that indicates that the individual meets the requirements of Section 87356(c)(4). The Department will notify the licensee or license applicant and the affected individual, in concurrent, separate notices, that the affected individual has a criminal conviction and needs to obtain a criminal record exemption.

- (1) The notice to the affected individual shall include a list of the conviction(s) that the Department is aware of at the time the notice is sent that must be addressed in an exemption request.
- (2) The notice will list the information that must be submitted to request a criminal record exemption.
- (3) The information must be submitted within ~~forty five (45)~~thirty (30) calendar days of the date of the Department's notice.
 - (A) Individuals who submit a criminal record exemption request shall cooperate with the Department by providing any information requested by the Department, including, but not limited to, ~~police reports and~~ certified court documents to process the exemption request, pursuant to Section 87356(e).
 - (B) If the individual for whom the criminal record exemption is requested is an employee or resident other than a spouse or dependent family member and the licensee/license applicant does not submit the information listed in the Department's written notice within ~~45~~30 calendar days of the date of the notice, the Department may cease processing the exemption request and close the case.
 - (C) If the individual for whom the criminal record exemption is requested is an applicant, licensee, spouse or dependent family member, and the licensee/license applicant does not submit the information listed in the Department's written notice within ~~45~~30 calendar days of the date of the notice, the Department may deny the exemption request.

(D) Individuals may request a criminal record exemption on their own behalf if the licensee or license applicant:

1. Chooses not to request the exemption and
2. Chooses not to employ or terminates the individual's employment after receiving notice of the individual's criminal history, or
3. Removes the individual who resides in the facility after receiving notice of the individual's criminal history.

(e) – (m) (Continued)

(n) The Department shall consider granting a simplified criminal record exemption if the individual has the criminal history profile outlined in Sections 87356(n)(1) through (4) below:

- (1) The individual does not have a demonstrated pattern of criminal activity;
- (2) The individual has no more than one or more convictions arising from a single incident of criminal conduct;
- (3) ~~The~~Each conviction is a misdemeanor and is for a crime that is nonviolent and does not pose a risk of harm to an individual; and
- (4) It has been at least five consecutive years since the date of conviction. ~~completion of the most recent period of incarceration or supervised probation.~~

(o) – (x) (Continued)

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Section 1569.17, Health and Safety Code; and Gresher v. Anderson (2005) 127 Cal. App. 4th 88.

Amend Section 87819.1 to read:

87819.1 CRIMINAL RECORD EXEMPTION

(a) – (c) (Continued)

(d) To request a criminal record exemption, a licensee or license applicant must submit information that indicates that the individual meets the requirements of Section 87819.1(c)(4). The Department will notify the licensee or license applicant and the affected individual, in concurrent, separate notices, that the affected individual has a criminal conviction and needs to obtain a criminal record exemption.

- (1) The notice to the affected individual shall include a list of the conviction(s) that the Department is aware of at the time the notice is sent that must be addressed in an exemption request.
- (2) The notice will list the information that must be submitted to request a criminal record exemption.
- (3) The information must be submitted within ~~forty five (45)~~thirty (30) calendar days of the date of the Department's notice.
 - (A) Individuals who submit a criminal record exemption request shall cooperate with the Department by providing any information requested by the Department, including, but not limited to, ~~police reports and~~ certified court documents to process the exemption request, pursuant to Section 87819.1(e).
 - (B) If the individual for whom the criminal record exemption is requested is an employee or resident other than a spouse or dependent family member and the licensee/license applicant does not submit the information listed in the Department's written notice within ~~45~~30 calendar days of the date of the notice, the Department may cease processing the exemption request and close the case.
 - (C) If the individual for whom the criminal record exemption is requested is an applicant, licensee, spouse or dependent family member and the licensee/license applicant does not submit the information listed in the Department's written notice within ~~45~~30 calendar days of the date of the notice, the Department may deny the exemption request.

(D) Individuals may request a criminal record exemption on their own behalf if the licensee or license applicant:

1. Chooses not to request the exemption and
2. Chooses not to employ or terminates the individual's employment after receiving notice of the individual's criminal history, or
3. Removes the individual who resides in the facility after receiving notice of the individual's criminal history.

(e) – (m) (Continued)

(n) The Department shall consider granting a simplified criminal record exemption if the individual has the criminal history profile outlined in Sections 87819.1(n)(1) through (4) below:

- (1) The individual does not have a demonstrated pattern of criminal activity;
- (2) The individual has no more than one or more convictions arising from a single incident of criminal conduct;
- (3) ~~The~~Each conviction is a misdemeanor and is for a crime that is nonviolent and does not pose a risk of harm to an individual; and
- (4) It has been at least five consecutive years since the date of conviction. ~~completion of the most recent period of incarceration or supervised probation.~~

(o) – (x) (Continued)

Authority cited: Section 1568.072, Health and Safety Code.

Reference: Sections 1568.072, 1568.082, 1568.09 and 1568.092, Health and Safety Code; and Greshner v. Anderson (2005) 127 Cal. App. 4th 88.

Amend Section 88019 to read:

88019 CRIMINAL RECORD CLEARANCE

(a) In addition to Section 80019, the following shall apply:

- (1) Prior to certification by the foster family agency, the applicant and all adults residing in the home shall obtain a criminal record clearance or exemption as specified in Health and Safety Code Section 1522.

(A) Exemptions for applicants and all adults residing in the home shall be evaluated pursuant to paragraph (2) of subdivision (g) of Health and Safety Code Section 1522.

- (2) Prior to being alone with or having supervisory control of children, all foster family agency personnel shall obtain a California criminal record clearance or exemption as specified in Health and Safety Code Section 1522.
- (3) In addition to the requirements of 80019(d)(1)(A), all individuals subject to criminal record review pursuant to Health and Safety Code Section 1522 shall, declare whether he/she has been arrested for any crime against a child, spousal cohabitant abuse or for any crime as provided in 80019.1(m).

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1522 and 1522.07, Health and Safety Code.

Amend Section 89219.1 to read:

89219.1 CRIMINAL RECORD EXEMPTION

(a) – (i) (Continued)

(i) To request a criminal record exemption, an applicant/caregiver must submit information that indicates that the affected individual meets the requirements of Section 89219.1(a)(4). The Department will notify the applicant/caregiver and the affected individual, in concurrent, separate notices, that the affected individual has a criminal conviction and needs to obtain a criminal record exemption.

(1) The notice to the affected individual shall include a list of the conviction(s) that the Department is aware of at the time the notice is sent that must be addressed in an exemption request.

(2) The notice will list the information that must be submitted to request a criminal record exemption.

(3) The information must be submitted within thirty (30) calendar days of the date of the Department's notice.

(A) Affected individuals who submit a criminal record exemption request shall cooperate with the Department by providing any information requested by the Department, including, but not limited to, certified court documents to process the exemption request, pursuant to Section 87819.1(e).

(B) If the affected individual for whom the criminal record exemption is requested is a resident other than a spouse or dependent family member and the caregiver/applicant does not submit the information listed in the Department's written notice within 30 calendar days of the date of the notice, the Department may cease processing the exemption request and close the case.

(C) If the affected individual for whom the criminal record exemption is requested is an applicant, caregiver, spouse or dependent family member and the caregiver/applicant does not submit the information listed in the Department's written notice within 30 calendar days of the date of the notice, the Department may deny the exemption request.

(D) Affected individuals may request a criminal record exemption on their own behalf if the caregiver/applicant:

1. Chooses not to request the exemption and
2. Removes the affected individual who resides in the home after receiving notice of the affected individual's criminal history.

(k) The Department shall grant a simplified criminal record exemption if the affected individual has the criminal history profile outlined below:

- (1) The individual does not have a misdemeanor conviction within the last five years;
- (2) The individual does not have a felony conviction within the last seven years;
- (3) This individual has not been convicted of a crime described in Health and Safety Code section 1522(g)(2)(A) or (g)(2)(B).
- (4) The individual's criminal history does not indicate a risk or threat to the health and safety, protection, or well-being of a child or nonminor dependent.

(l) At the Department's discretion, an individual who is otherwise eligible for a simplified criminal record exemption may be required to go through the standard exemption process if the Department determines such action is necessary to help protect the health and safety of a child or nonminor dependent.

Authority cited: Sections 1530, 1530.5 and 1531, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Section 729, Business and Professions Code; Sections 1520, 1522, 1522.01, 1522.04, 1524, 1531 and 14564, Health and Safety Code; Section 15376, Government Code; and Sections 136.1, 186.22, 187, 190-190.4, 192(a), 203, 206, 207, 208, 209, 209.5, 210, 211, 212, 212.5, 213, 214, 215, 220, 243.4, 261(a), (a)(1)-(4) or (a)(6), 262(a)(1) or (a)(4), 264.1, 266, 266c, 266h(b), 266i(b), 266j, 267, 269, 272, 273a(a) [or 273a(1) if the conviction was prior to January 1, 1994], 273d, 285, 286, 288, 288a, 288.2, 288.5(a), 289, 290(a), 311.2(b), (c) or (d), 311.3, 311.10, 311.11, 314(1) or (2), 347(a),

368(b) or (c) if after January 1, 1999, 186.22, 417(b), 451(a) or (b), 460(a), 518, 647.6 or prior to 1987 former Sections 207, 208, 209, 209.5, 210, 647a, 653f(c), 664.187, 667.5(c)(7), 667.5(c)(8), 667.5(c)(13), 667.5(c)(14), 667.5(c)(22), 12022.53, 12308, 12309 or 12310, Penal Code.

Amend Section 101170.1 to read:

101170.1 CRIMINAL RECORD EXEMPTION

101170.1

(a) – (c) (Continued)

(d) To request a criminal record exemption, a licensee or license applicant must submit information that indicates that the individual meets the requirements of Section 101170.1(c)(4). The Department will notify the licensee or license applicant and the affected individual, in concurrent, separate notices, that the affected individual has a criminal conviction and needs to obtain a criminal record exemption.

- (1) The notice to the affected individual shall include a list of the conviction(s) that the Department is aware of at the time the notice is sent that must be addressed in an exemption request.
- (2) The notice will list the information that must be submitted to request a criminal record exemption.
- (3) The information must be submitted within ~~forty five (45)~~thirty (30) calendar days of the date of the Department's notice.
 - (A) Individuals who submit a criminal record exemption request shall cooperate with the Department by providing any information requested by the Department, including, but not limited to, ~~police reports and~~ certified court documents to process the exemption request, pursuant to Section 101170.1(e).
 - (B) If the individual for whom the criminal record exemption is requested is an employee or resident other than a spouse or dependent family member and the licensee/license applicant does not submit the information listed in the Department's written notice within ~~45~~30 calendar days of the date of the notice, the Department may cease processing the exemption request and close the case.
 - (C) If the individual for whom the criminal record exemption is requested is an applicant, licensee, spouse or dependent family member and the licensee/license applicant does not submit the information listed in the Department's written notice within ~~45~~30 calendar days of the date of the notice, the Department may deny the exemption request.

(D) Individuals may request a criminal record exemption on their own behalf if the licensee or license applicant:

1. Chooses not to request the exemption and
2. Chooses not to employ or terminates the individual's employment after receiving notice of the individual's criminal history, or
3. Removes the individual who resides in the facility after receiving notice of the individual's criminal history.

(e) – (m) (Continued)

(n) The Department shall consider granting a simplified criminal record exemption if the individual has the criminal history profile outlined in Sections 101170.1(n)(1) through (4) below:

- (1) The individual does not have a demonstrated pattern of criminal activity;
- (2) The individual has no more than one or more convictions arising from a single incident of criminal conduct;
- (3) ~~The~~Each conviction is a misdemeanor and is for a crime that is nonviolent and does not pose a risk of harm to an individual; and
- (4) It has been at least five consecutive years since the date of conviction. ~~completion of the most recent period of incarceration or supervised probation.~~

(o) – (x) (Continued)

Authority cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.81(b), 1596.871, 1596.885 and 1596.8897, Health and Safety Code; and Gresher v. Anderson (2005) 127 Cal. App. 4th 88.

Amend Section 102370.1 to read:

102370.1 CRIMINAL RECORD EXEMPTION

102370.1

(a) – (c) (Continued)

(d) To request a criminal record exemption, licensee or license applicants must submit information that indicates that the individual meets the requirements of Section 102370.1(c)(2)(D). The Department will notify the licensee or license applicant and the affected individual, in concurrent, separate notices, that the affected individual has a criminal conviction and needs to obtain a criminal record exemption.

- (1) The notice to the affected individual shall include a list of the conviction(s) that the Department is aware of at the time the notice is sent that must be addressed in an exemption request.
- (2) The notice will list the information that must be submitted to request a criminal record exemption.
- (3) The information must be submitted within ~~forty five (45)~~thirty (30) calendar days of the date of the Department's notice.
 - (A) Individuals who submit a criminal record exemption request shall cooperate with the Department by providing the information required by Section 102370.1(c)(2)(D) and any information requested by the Department, including, but not limited to, ~~police reports and~~ certified court documents to process the exemption request, pursuant to Section 102370.1(c)(3).
 - (B) If the individual for whom the criminal record exemption is requested is an employee or resident other than a spouse or dependent family member and the licensee/license applicant does not submit the information listed in the Department's written notice within ~~45~~30 calendar days of the date of the notice, the Department may cease processing the exemption request and close the case.
 - (C) If the individual for whom the criminal record exemption is requested is an applicant, licensee, spouse or dependent family member and the licensee/license applicant does not submit the information listed in the Department's written notice within ~~45~~30 calendar days of the date of the notice, the Department may deny the exemption request.

(D) Individuals may request a criminal record exemption on their own behalf if the licensee or license applicant:

1. Chooses not to request the exemption and
2. Chooses not to employ or terminates the individual's employment after receiving notice of the individual's criminal history, or
3. Removes the individual who resides in the facility after receiving notice of the individual's criminal history.

(e) – (k) (Continued)

(l) The Department shall consider granting a simplified criminal record exemption if the individual has the criminal history profile outlined in Sections 102370.1(l)(1) through (4) below:

- (1) The individual does not have a demonstrated pattern of criminal activity;
- (2) The individual has no more than one or more convictions arising from a single incident of criminal conduct;
- (3) ~~The~~Each conviction is a misdemeanor and is for a crime that is nonviolent and does not pose a risk of harm to an individual; and
- (4) It has been at least five consecutive years since the date of conviction. ~~completion of the most recent period of incarceration or supervised probation.~~

(m) – (w) (Continued)

Authority cited: Section 1596.81, Health and Safety Code.

Reference: Sections 1596.871, 1596.885, 1596.8897 and 1597.59(b), Health and Safety Code; and Gresher v. Anderson (2005) 127 Cal. App. 4th 88.

Amend Section 130110 to read:

130110 CRIMINAL RECORD EXEMPTION

130110

- (a) (Continued)
- (b) (Continued)
- (c) The Department will notify the Home Care Organization applicant or Home Care Organization licensee and the affected individual, in concurrent, separate notices, that the affected individual has criminal conviction(s) and needs to obtain a criminal record exemption. To request a criminal record exemption, a Home Care Organization applicant or a Home Care Organization licensee, a Home Care Aide applicant, or Registered Home Care Aide, or the affected individual if requesting an exemption on his/her own behalf, must submit information that indicates that the individual seeking a criminal record exemption meets the requirements of subdivision (b).
 - (1) The notice to the affected individual shall include a list of the conviction(s) that the Department is aware of at the time the notice is sent that must be addressed in a criminal record exemption request.
 - (A) The notice shall also include any other criminal record information provided to the Department by the California Department of Justice as a result of the fingerprint submission.
 - (2) The notice will list the information that must be submitted to request a criminal record exemption.
 - (3) The information must be submitted to the Department within ~~forty-five (45)~~thirty (30) calendar days of the date of the Department's notice.
 - (A) Individuals who submit a criminal record exemption request shall cooperate with the Department by providing any information requested by the Department, including, but not limited to, ~~police reports and~~ certified court documents to process the criminal record exemption request, pursuant to subdivision (d).
 - (B) If the individual for whom the criminal record exemption is requested is a staff person, volunteer, or employee and the

Home Care Organization applicant or Home Care Organization licensee does not submit the information listed in the Department's written notice within ~~forty-five (45)~~thirty (30) calendar days of the date of the notice, the Department may cease processing the criminal record exemption request and close the case.

- (C) If the individual for whom the criminal record exemption is requested is a Home Care Organization applicant or Home Care Aide applicant, and the applicant does not submit the information listed in the Department's written notice within ~~forty-five (45)~~thirty (30) calendar days of the date of the notice, the Department may deny the criminal record exemption request.
- (D) If the individual for whom the criminal record exemption is requested is a Home Care Organization licensee or Registered Home Care Aide, and the individual does not submit the information listed in the Department's written notice within ~~forty-five (45)~~thirty (30) calendar days of the date of the notice, the Department shall deny the criminal record exemption.
- (E) Individuals may request a criminal record exemption on his/her own behalf if the Home Care Organization applicant or Home Care Organization licensee chooses not to request the criminal record exemption after notification of the need for a criminal record exemption.

(d) – (l) (Continued)

(m) The Department may grant a simplified criminal record exemption only if the Department determines that all the following apply:

- (1) The individual does not have a demonstrated pattern of criminal activity;
- (2) The individual has one or more convictions arising from a single incident of criminal conduct;
- (3) ~~The~~Each conviction~~(s)~~ is a misdemeanor~~(s)~~ and is for a crime that is nonviolent and does not pose a risk of harm to an individual; and
- (4) It has been at least five consecutive years since the date of conviction, ~~or if applicable, since the date of completion of the most recent period of incarceration or supervised probation.~~

(n) – (w) (Continued)

Authority cited: Sections 1522, 1558 and 1796.63, Health and Safety Code.

Reference: Sections 1796.23, 1796.24 and 1796.48, Health and Safety Code.